

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed June 30, 2006. Upon entry of the amendments in this response, claims 21 – 38 remain pending. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Rejections Under 35 U.S.C. §102

A. Claim 21 is Allowable Over *Tamura*

The Office Action indicates that claim 21 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication Number 2002/0090087 ("*Tamura*"). Applicant respectfully traverses this rejection on the grounds that *Tamura* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 21 recites:

A selectable recording device for providing recording options to a user, comprising:

a storage device configured to store program information received from an input source, wherein the program information includes a plurality of content streams for a plurality of program events; and

a processor configured to:

provide a *user option to select* a desired subset of content streams for a particular program event for recording, wherein the subset *excludes at least one available content stream from the program event*; and

receive user input *indicating the desired subset of content streams* from the program event for recording. (*emphasis added*)

Applicant respectfully submits that claim 1 is allowable over the cited art for at least the reason that *Tamura* fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, *Tamura* appears to disclose an "external storage device for a personal video recorder or television Set-top Box. An MPEG transport stream is filtered to remove information not

relevant to a selected program” (*Tamura* Abstract). The Office Action asserts that “[t]he subset of content streams is the filtered transport stream” (OA p. 3, line 5). However, Applicant respectfully disagrees with this analysis. More specifically, claim 1 recites a “selectable recording device for providing recording options to a user, comprising... provide a *user option to select* a desired subset of content streams for a particular program event for recording, wherein the subset *excludes at least one available content stream from the program event...*” *Tamura*, on the other hand, further discloses that “[t]hose tables are edited to remove information not relevant to the selected program and returned to the external storage device for reinsertion into the transport stream” (*Tamura* Abstract). As *Tamura* appears to disclose that the filtered data is reinserted into the transport stream, Applicant respectfully submits that *Tamura* does not disclose that the “subset *excludes at least one available content stream from the program event*” as recited in claim 1. For at least this reason, claim 1 is allowable over the cited art.

Additionally, the Office Action asserts that *Tamura* “provide[s] a user option to select a desired subset of content streams for a particular program for recording...” (OA p. 3, line 1). Applicant respectfully disagrees with this analysis. More specifically, nowhere does *Tamura* disclose “provid[ing] a *user option to select* a desired subset of content streams for a particular program event for recording... [and] receive[ing] user input *indicating the desired subset of content streams* from the program event for recording” as recited in claim 1. As illustrated in FIG. 4, *Tamura* discloses “receiving an MPEG transport stream” (block 408) and “filter[ing] transport stream to extract portions relevant to currently selected program” (block 412). *Tamura*, however, does not appear to disclose “provid[ing] a *user option to select* a desired subset of content streams” as recited in claim 1. For at least this additional reason, claim 1 is allowable over the cited art.

B. Claim 28 is Allowable Over Tamura

The Office Action indicates that claim 28 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Tamura*. Applicant respectfully traverses this rejection on the grounds that *Tamura* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 28 recites:

A method for providing recording options to a user, comprising:
receiving program information, wherein the program information includes a plurality of content streams for a plurality of program events;
providing a user option to select a desired subset of content streams for a particular program event for recording, wherein the subset *excludes at least one available content stream from the program event*; and
receiving *user input indicating the desired subset of content streams* from the program event for recording. (*emphasis added*)

Applicant respectfully submits that claim 28 is allowable over the cited art for at least the reason that *Tamura* fails to disclose, teach, or suggest all of the elements of claim 28. More specifically, *Tamura* appears to disclose an “external storage device for a personal video recorder or television Set-top Box. An MPEG transport stream is filtered to remove information not relevant to a selected program” (*Tamura* Abstract). The Office Action asserts that “[t]he subset of content streams is the filtered transport stream” (OA p. 3, line 5). However, Applicant respectfully disagrees with this analysis. More specifically, claim 28 recites a “method for providing recording options to a user, comprising... *providing a user option to select a desired subset of content streams* for a particular program event for recording, wherein the subset *excludes at least one available content stream from the program event...*” *Tamura*, on the other hand, further discloses that “[t]hose tables are edited to remove information not relevant to

the selected program and returned to the external storage device for reinsertion into the transport stream” (*Tamura* Abstract). As *Tamura* appears to disclose that the filtered data is reinserted into the transport stream, Applicant respectfully submits that *Tamura* does not disclose that the “subset *excludes at least one available content stream from the program event*” as recited in claim 28. For at least this reason, claim 28 is allowable over the cited art.

Additionally, the Office Action asserts that *Tamura* “provide[s] a user option to select a desired subset of content streams for a particular program for recording...” (OA p. 3, line 1). Applicant respectfully disagrees with this analysis. More specifically, nowhere does *Tamura* disclose “*providing a user option to select a desired subset of content streams* for a particular program event for recording, wherein the subset *excludes at least one available content stream from the program event*... [and] receiving *user input indicating the desired subset of content streams* from the program event for recording” as recited in claim 28. As illustrated in FIG. 4, *Tamura* discloses “receiving an MPEG transport stream” (block 408) and “filter[ing] transport stream to extract portions relevant to currently selected program” (block 412). *Tamura*, however, does not appear to disclose “*providing a user option to select a desired subset of content streams* for a particular program event for recording, wherein the subset *excludes at least one available content stream from the program event*” as recited in claim 28. For at least this additional reason, claim 28 is allowable over the cited art.

C. **Claim 33 is Allowable Over Tamura**

The Office Action indicates that claim 33 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Tamura*. Applicant respectfully traverses this rejection on the grounds that *Tamura* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 33 recites:

A system for providing recording options to a user, comprising:
a receiver configured to receive program information from an input source, the program information including a plurality of content streams for a plurality of program events; and
a control system configured to:
provide a user option to select a desired subset of content streams for a particular program event, wherein the subset excludes at least one available content stream from the program event; and
receive a user command *indicating the desired subset of content streams* from the program event for recording. (*emphasis added*)

Applicant respectfully submits that claim 33 is allowable over the cited art for at least the reason that *Tamura* fails to disclose, teach, or suggest all of the elements of claim 33. More specifically, *Tamura* appears to disclose an “external storage device for a personal video recorder or television Set-top Box. An MPEG transport stream is filtered to remove information not relevant to a selected program” (*Tamura* Abstract). The Office Action asserts that “[t]he subset of content streams is the filtered transport stream” (OA p. 3, line 5). However, Applicant respectfully disagrees with this analysis. More specifically, claim 33 recites a “system for providing recording options to a user, comprising... a control system configured to... *provide a user option to select a desired subset of content streams for a particular program event, wherein the subset excludes at least one available content stream from the program event...*” *Tamura*, on the other hand, further discloses that “[t]hose tables are edited to remove information not relevant to the selected program and returned to the external storage device for reinsertion into

the transport stream” (*Tamura* Abstract). As *Tamura* appears to disclose that the filtered data is reinserted into the transport stream, Applicant respectfully submits that *Tamura* does not disclose that ***subset excludes at least one available content stream*** from the program event” as recited in claim 33. For at least this reason, claim 33 is allowable over the cited art.

Additionally, the Office Action asserts that *Tamura* “provide[s] a user option to select a desired subset of content streams for a particular program for recording...” (OA p. 3, line 1). Applicant respectfully disagrees with this analysis. More specifically, nowhere does *Tamura* disclose “***provide a user option to select a desired subset of content streams*** for a particular program event, wherein the ***subset excludes at least one available content stream*** from the program event... [and] receive a user command ***indicating the desired subset of content streams*** from the program event for recording” as recited in claim 33. As illustrated in FIG. 4, *Tamura* discloses “receiving an MPEG transport stream” (block 408) and “filter[ing] transport stream to extract portions relevant to currently selected program” (block 412). *Tamura*, however, does not appear to disclose “***provid[ing] a user option to select a desired subset of content streams*** for a particular program event, wherein the ***subset excludes at least one available content stream*** from the program event” as recited in claim 33. For at least this additional reason, claim 33 is allowable over the cited art.

D. Claims 22 – 27, 29 – 32, and 34 – 38 are Allowable Over *Tamura*

The Office Action indicates that claims 22 – 27, 29 – 32, and 34 – 38 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication Number 2002-0090087 (“*Tamura*”). Applicant respectfully traverses this rejection on the grounds that *Tamura* does not disclose, teach, or suggest all of the claimed elements. More specifically, dependent claims 22 –

27 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 21. Dependent claims 29 – 32 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 28. Dependent claims 34 – 38 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 33.

II. Rejections Under 35 U.S.C. §103

A. Claims 36 – 37 are Allowable Over *Tamura* in view of *Hoffberg*

The Office Action indicates that claims 36 – 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Tamura* in view of U.S. Patent Number 6,418,424 (“*Hoffberg*”). Applicant respectfully traverses this rejection for at least the reason that *Tamura* in view of *Hoffberg* fails to disclose, teach, or suggest all of the elements of claims 36 – 37. More specifically, dependent claims 36 – 37 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 33.

B. Claim 38 is Allowable Over *Tamura* in view of *Lawler*

The Office Action indicates that claim 38 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Tamura* in view of U.S. Patent Number 5,805,763 (“*Lawler*”). Applicant respectfully traverses this rejection for at least the reason that *Tamura* in view of *Lawler* fails to disclose, teach, or suggest all of the elements of claim 38. More specifically, dependent claim 38 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 33.

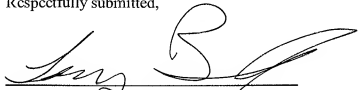
CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



Anthony F. Ropner Jr. Reg. No. 55,012

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500